

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

**THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID**

WEDNESDAY, THE 8TH AUGUST 2007 / 17TH SRAVANA 1929

WP(C).No. 18933 of 2007(D)

PETITIONERS:

- 1. SUJITHKUMAR K.S., THIRUVONAM
THOTTAVALIL HOUSE, EROOR WEST P.O.
TRIPUNITHURA.**
- 2. MR.AUGUSTINE K.F., KARIPPAT HOUSE,
BOAT JETTY ROAD, VADUTHALA P.O.,
PIN - 682 023.**

BY ADV. SRI.DENIZEN KOMATH.

RESPONDENTS:

- 1. THE CITY POLICE COMMISSIONER, KOCHI.**
- 2. SUB INSPECTOR OF POLICE, HILL PALACE
POLICE STATION, TRIPUNITHURA.**
- 3. SUB INSPECTOR OF POLICE, KASABA POLICE
STATION, ERNAKULAM.**
- 4. MUTHOOT LEASING AND FINANCES LTD.,
CITY BRANCH IIND FLOOR, KADAVANTHRA,
ALPHA PLAZA BUILDING, K.P.VALLON ROAD,
KOCHI - 20. REPRESENTED BY ITS MANAGER.**

**BY ADV. SRI.C.S.MANILAL,
GOVT. PLEADER SRI. P.A. SALIM.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 08/08/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

W.P.(C). NO.18933/2007:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE LAWYER NOTICE DTD. 02/11/2006 FROM THE 4TH RESPONDENT'S BANK.

EXT.P.2: COPY OF THE LETTER BY P.1. TO THE R.4. INFORMING HIS READINESS TO SURRENDER THE CAR.

EXT.P.3: COPY OF THE PETITION DTD. 14/06/2007 SUBMITTED BEFORE THE RESPONDENTS BY THE PETITIONER.

RESPONDENT'S EXHIBIT:

EXT.R4.A: COPY OF THE STATEMENT OF ACCOUNT.

//TRUE COPY//

prv.

K.BALAKRISHNAN NAIR &
HARUN-UL-RASHID, JJ.

W.P.(C) No.18933 of 2007-D

Dated 8th August, 2007.

JUDGMENT

Balakrishnan Nair, J.

The 1st petitioner availed a loan from the 4th respondent for purchasing a car. The 2nd petitioner is its guarantor. The grievance of the petitioners is that the muscle men sent by the 4th respondent are threatening them. They are ready and willing to surrender the car also. But, the threat of physical injury and harm is held out to compel the petitioners to close the loan account. The petitioners have preferred Ext.P3 representation before the Commissioner of Police with copies to the S.I of Police, Hill Palace Police Station, Tripunithura and S.I of Police, Kasba Police Station, Ernakulam. Thereafter, this writ petition is filed, seeking protection to the life and limb of the petitioners.

2. The learned Government Pleader, upon instructions, submitted that copy of Ext.P3 is not received by the S.I of Police, Hill Palace Police Station. If any complaint is received, it will be appropriately dealt with, it is submitted.

3. The 4th respondent has filed a counter affidavit, denying the allegations of the petitioners regarding the threat, violence etc. It is also submitted that the 4th respondent has filed a civil suit before the competent court to recover the amount due from the petitioners.

4. If the loan agreement permits, the financier can always seize the vehicle. But, they have no right or authority to threaten or harm the loanees. If any threat is held out by the employees or other persons engaged by the 4th respondent, the petitioner can move the concerned Station House Officer. In that event, the said officer will look into the same and take appropriate action in accordance with law.

The Writ Petition is disposed of as above.

K. BALAKRISHNAN NAIR, JUDGE

HARUN-UL-RASHID, JUDGE.

nm.